

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

FRANK GOLISCH,

Plaintiff,

v.

DAVID MCNEIL, JOHN MCNEIL,  
AND CHRIS MCNEIL, DOES 1 to 10,

Defendants.

No. CV 15-190 BRO (FFMx)

ORDER SUMMARILY REMANDING  
ACTION TO STATE COURT

The Court will remand this action to state court summarily because Defendants removed it improperly.

On January 9, 2015, Defendants David McNeil, John McNeil, and Chris McNeil, having been sued in what appears to be a routine unlawful detainer action in California state court (Los Angeles Superior Court Case No. 14P08379), filed a Notice of Removal of that action to this Court and also presented applications to proceed *in forma pauperis*.

The Court has denied the *in forma pauperis* applications under separate cover because the Court lacks jurisdiction over the action. To prevent the action from remaining in jurisdictional limbo, the Court issues this Order to remand the action to state court.

Simply stated, as the Court has previously determined, Plaintiff could not have brought this action in federal court in the first place, in that Defendants do not competently allege facts supplying either diversity or federal-question jurisdiction, and


1 therefore removal is improper. 28 U.S.C. § 1441(a); *see Exxon Mobil Corp v. Allapattah*  
2 *Svcs., Inc.*, 545 U.S. 546, 563, 125 S. Ct. 2611, 162 L. Ed. 2d 502 (2005). Even if  
3 complete diversity of citizenship existed, the amount in controversy does not exceed the  
4 diversity-jurisdiction threshold of \$75,000. *See* 28 U.S.C. §§ 1332, 1441(b). On the  
5 contrary, the unlawful-detainer complaint recites that the amount in controversy does not  
6 exceed \$10,000.

7 Nor does Plaintiff's unlawful detainer action raise any federal legal question. *See*  
8 28 U.S.C. §§ 1331, 1441(b).

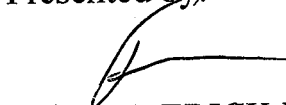
9 Accordingly, IT IS ORDERED that (1) this matter be REMANDED to the Superior  
10 Court of California, County of Los Angeles, Pasadena Courthouse, 300 East Walnut  
11 Street, Pasadena, California 91101 for lack of subject matter jurisdiction pursuant to 28  
12 U.S.C. § 1447(c); (2) that the Clerk send a certified copy of this Order to the state court;  
13 and (3) that the Clerk serve copies of this Order on the parties.

14 IT IS SO ORDERED.

15  
16 DATED: 1.14.15

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19 BEVERLY REID O'CONNELL  
20 United States District Judge

21 Presented by:

22   
23 /S/ FREDERICK F. MUMM  
24 FREDERICK F. MUMM  
25 United States Magistrate Judge  
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